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WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA, LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

WILKENS PHILIUS

CASE NO. 19-CV-701

vs.

JUDGE DRELL

KEVIN MCALEENAN, ET AL.

MAG. JUDGE PEREZ-MONTES

J U D G M E N T

For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein (Doc. 4), and after de novo review of the record, including the objections filed by Petitioner (Doc. 11), and having determined that the findings are correct under applicable law; it is hereby

ORDERED that Petitioner's "Emergency Motion" (Doc. 2) is DENIED. It is further

ORDERED, ADJUDGED and DECREED that Petitioner's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 is DISMISSED without prejudice based on the court's lack of jurisdiction. Rosales v. Bureau of Immigration and Customs Enforcement, 426 F.3d 733, 735-36 (5th Cir. 2005) (Real ID Act stripped federal district courts of jurisdiction over habeas petitions attacking removal orders); Castillo-Perales v. Holder, 411 Fed. Appx. 695, 695-96 (5th Cir. 2011) *citing* Mansoor v. Gonzales, 188 Fed. Appx. 273 (5th Cir. 2006) (although federal court of appeals is the sole remedy for review of removal orders under the Real ID Act, a district court may not transfer a petition for such review to the court of appeals except when such petition was pending at the time of the Real ID Act's enactment). We note for petitioner's benefit that he may refile his petition with the U.S. Fifth Circuit Court of Appeals, but should be aware of applicable time limits for such filing as described at 8 USC § 1252(b)(1).

THUS DONE AND SIGNED this 28th day of August, 2019 at Alexandria, Louisiana.


DEE D. DRELL, JUDGE
UNITED STATES DISTRICT COURT